IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1780 OF 1999
IN
FIRST APPEAL NO.911 OF 1998
IN
L.A.R. NO.390 OF 1990

The State of Maharashtra
(Through the Special Land Acquisition Officer,
CIDCO Project, Nashik. .. Applicant
v/s.
Mr. Bhaga Sudama Ubale and another .. Respondents

Ms. Geeta Mulekar, Assistant Government Pleader for the applicant-State.
Mr. R.S. Khadapkar i/by Mr. R.G. Ketkar for the respondents.

CORAM : ABHAY S. OKA, J.
DATED : 29TH NOVEMBER, 2007

P.C.

Heard the learned Assistant Government Pleader for the applicant.

2. Considering the nature of the impugned judgment and award, the applicant-State will have to deposit the entire amount due and payable as per the impugned award. In the present case, the enhancement granted in market value is only in the sum of Rs.2200/-.

Considering the peculiar facts and circumstances of the case, the original claimants will have to be permitted to withdraw the amount deposited by the applicant subject to filing an undertaking before the reference court to re-deposit the amount with appropriate rate of interest if the applicant succeeds in appeal. Hence, the civil application is disposed of by passing the following order:-

ORDER

There will be an interim relief in terms of prayer clause (b) subject to the applicant depositing with the reference court the entire amount due and payable under the impugned award within a period of 12 weeks from today. The applicant will be entitled to adjustment of the amount which is already deposited in terms of the ad-interim order.

The original claimants will be permitted to withdraw the compensation amount subject to filing an undertaking before the reference court to redeposit the amount with appropriate rate of interest in case the applicant succeeds in appeal.

There will be no order as to costs.

ABHAY S. OKA, J.